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## HOUSE BILL NO. 312

House Amendments in [ ] — January 23, 1996

A *BILL to amend and reenact § 28.2-208 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 28.2-228.1, relating to seafood landing licenses; penalty.*

Patron—Diamonstein

Referred to Committee on Chesapeake and Its Tributaries

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-208 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 28.2-228.1 as follows:**

§ 28.2-208. Marine Fishing Improvement Fund continued.

There is hereby continued a special, nonreverting fund in the state treasury to be known as the Marine Fishing Improvement Fund, hereinafter referred to as the Fund. The Fund shall consist of (i) that portion of the nonresident harvester's license fees which have not been allocated to the Virginia Marine Products Fund as provided for in § 28.2-227 ~~and~~, (ii) fees collected from the registration of commercial fishermen under § 28.2-241, and (iii) fees collected from the sale of seafood landing licenses under § 28.2-228.1. The Fund shall be administered by the Commission and used solely for (i) managing and improving marine fisheries, (ii) seafood product promotion and development services, (iii) mandatory reporting and stock assessment, (iv) education of commercial fishermen, (v) conservation and management strategies identified by the General Assembly and the Commission, (vi) public information pamphlets and summaries of rules issued with gear licenses, and (vii) retaining commercial fishermen to engage in replenishment, research, and stock assessment activities.

§ 28.2-228.1. Seafood landing licenses.

A. The Commission may by regulation establish licenses for the landing of seafood in Virginia, the fee for which shall not exceed \$150. The regulations may limit the number of such licenses that may be issued and may establish eligibility criteria. Fees collected from the sale of seafood landing licenses shall be deposited to the Marine Fishing Improvement Fund established in § 28.2-208.

B. The Commission may grant exceptions to the license requirement established in subsection A to any person registered as a commercial fisherman under the provisions of § 28.2-241.

C. The following shall be Class [ 4 3 ] misdemeanors: (i) landing seafood without the license that may be required under this section and (ii) failure to produce or have available for inspection the license that may be required under this section when requested by any officer. Failure to produce the license is *prima facie* evidence that the person is landing seafood without a license.

ENGROSSED

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